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08/706,136

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/706,136	08/30/96	VANDENBELT R	HW-106A

26M1/0626

ALBERT PETER DURIGON
LAW OFFICES OF ALBERT PETER DURIGON
20 EUSTIS STREET
CAMBRIDGE MA 02140

EXAMINER	
CHANG, V	
ART UNIT	**PAPER NUMBER**
2605	5

DATE MAILED: 06/26/97

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

See Attached

Office Action Summary

Application No.	Applicant(s)
08/706,136	Vandenbelt et al
Examiner	**Group Art Unit**
Vivian Chang	2605

☐ Responsive to communication(s) filed on _____.

☐ This action is **FINAL.**

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-13 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-13 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 4

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

DETAILED ACTION

Double Patenting

1. Claims 1-13 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-14 of copending Application No. 08/706,134. Although the conflicting claims are not identical, they are not patentably distinct from each other because the scope of claims 1-13 of this applicantion reads on the scope of claims 1-14 of copending application No. 08/706,134.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 112

2. Claims 5-9 and 11-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5 recites "--a like plurality of sound selector switches...a port for receiving any one, of one or more,...". It is confusing what does that mean.

Claims 8 and 11 recites "--such that a different part of the same natural sound" is confusing.

Claims 9 and 12 recite "--at least two pluralities of addressable memory locations..." is confusing.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marsona 1250 in view of Inoue et al (US 5,000,074).

Consider claim 1. Marsona teaches an appraratus comprising: a digital sound relaxation system having built-in prerecorded sounds selectable for individual replay. Marsona does not teach a collectable sound card included in the system. However, Inoue teaches that using sound card as external memory in an audio system is well known in the art (see 12) and therefore would have been obvious so that external data could have been acessed by the micro-controller

Consider claim 2. It would have been obvious that Marsona would have included a port for receiving the sound card and an electrical connector to mate with the connector of the sound card, or otherwise the sound card would not have been inserted into the device to work together properly.

Consider claims 3-4. Marsona as modified teaches all the claimed limitations.

Consider claim 5. Note the discussion of claims 1-2, Marsona as modified teaches all the claimed limitations, e.g., it would have been obvious that Marsona could have had an external memory besides an internal memory so that external data and internal data both could have been accessed by the micro-controller based on user's needs. Also, the selector switches provided for the user's to choose their desired sound types are inherently corresponding to the switches of the memory devices so that different types of sound data could have been retrieved from the memory devices properly and selectively.

Consider claims 6-7. The modified Marsona teaches the claimed limitations.

Consider claims 10 and 13. Note the discussion of claim 1, the modified Marsona teaches the claimed limitations.

Consider claims 8-9 and 11-12. The examiner takes official notice that audio signals stored in a loop format or a sound bite format are well known in the art and therefore would have been obvious since they are all known alternative formats that audio signals could have been stored in.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Rossum (US 4,987,600) is made of record here as pertinent art to the claimed invention..

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vivian Chang whose telephone number is (703) 308-6739.

7. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900. The telephone number for the facsimile machine is (703) 308-5399.

Vivian Chang

PATENT EXAMINER

GROUP 2600

vc

June 20, 1997